

DEPARTMENT OF CORRECTIONS



EQUAL EMPLOYMENT OPPORTUNITY PLAN

For the period January 1, 2012 to December 31, 2012

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I. PLAN PURPOSE

The purpose of this plan is to implement and maintain an Equal Employment Opportunity (EEO) Program to ensure that the Department of Corrections does not discriminate in employment, based upon race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation or political beliefs. The Department has adopted the State of Montana's EEO Policy as the basis of its program plan. That document can be found in Section VIII. This plan applies to agencies that are administratively attached to the Department, and have the authority to hire personnel.

II. GOALS

The Department's goal is to make its workforce more closely reflect the labor force in Montana. The Department will make specific good faith efforts to identify the underutilization of women and minorities, and make the necessary changes to remove any existing barriers to their employment.

Underutilization may be caused by barriers to employment. Therefore, the Department's hiring officials will review their recruitment, selection, and promotion process as well as the on-the-job treatment of employees to ensure that women and minorities receive equal employment opportunity to secure employment and promotion.

Because American Indian males and females are underutilized in all job categories within the Department of Corrections, it is our goal to increase the representation by targeting recruitment efforts in order to attract and retain qualified American Indian candidates to apply for all positions in the department.

The Department of Corrections will continue to review all job requirements and hiring procedures to ensure no unnecessary barriers exist that would deny females equal employment opportunity with the department. Specifically, the department will try to attract and retain qualified female applicants for positions in each of these categories.

III. EEO PROGRAM PLAN

The Department has established the following EEO Program Plan. The Department's managers/hiring officials will strive to increase women and minority representation for underutilized positions by evaluating their recruitment and selection practices to ensure that women and minorities receive equal opportunity to secure employment. The Department will continue its efforts to recruit and retain qualified individuals with disabilities in all levels of our workforce.

A. Hiring

Prior to beginning the hiring process, the Human Resource Office will review the Utilization Analysis and the Adverse Impact Report for the job category to determine if the position is attracting qualified women and/or minority applicants in numbers proportionate to their external availability.

If the position is underutilized, the hiring official will review the EEO Plan as it relates to their Recruitment/Selection Process. This requires a job profile review to make sure the position requirements are job-related and consistent with business necessity and the safe performance of the position. Any hiring requirement that does not meet these criteria will be removed to avoid screening out qualified applicants.

The Department will make reasonable accommodations to applicants with physical and mental limitations unless such an accommodation would create an undue hardship on the Department's ability to conduct business.

B. Recruitment

The Department's recruitment goal is to increase women and minority representation in underutilized positions by attracting qualified candidates to apply for the underutilized positions. Applicant's qualifications will be reviewed to ensure qualified individuals are treated in a nondiscriminatory manner. Vacancy announcements for underutilized positions will include the statement:

Women and minorities are encouraged to apply.

The Department will send vacancy announcements to Native American Recruitment sources, the Interagency Committee for Change by Women; and Disability Rehabilitation Centers across the State for all positions.

- Continue to post all external vacancy announcements on **the State of Montana's Job website**: <http://mt.gov/statejobs/statejobs.asp>
- Continue partnering with the **Montana Job Service Workforce Centers** in recruiting. A standard, consistent procedure for recruiting through Job Service Workforce Centers is in place and has been for 20 years. The **Job Service Workforce Centers** provide all these services for applicants:
 - Provides computers for internet access;
 - Posts job openings to the public;
 - Conducts training on how to apply for a state job;
 - Provides application materials to the public;
 - Answers general questions about vacancies and application procedures;
 - Provides proficiency testing;
 - Forwards completed applications to the hiring agency; and
 - Provides a computer-learning center for classes on how to use the computer, basic Internet job searching, and completing resumes on-line.
- Continue to have the **Job Service Workforce Centers** provide outreach and training on how to apply for a State to recruitment sources such as Tribal Employee Rights Office (TERO) and American Indian Community Colleges.
- Continue to attend career fairs that target women and minorities. This includes American Indian Community Colleges job fairs.
- Encourage women and/or minorities to apply by adding a statement in vacancy announcements regarding the EEO Plan objectives.
- Continue working with recruitment sources (organizations having effective contact with minority groups, females and persons with disabilities) to improve recruitment efforts.
- Send notices to American Indian recruitment sources for every job vacancy.
- Continue to provide EEO, discrimination and harassment prevention training for managers and employees.
- Continue to participate in the "**Building Effective Government and Business Relations With American Indian Tribes™**" annual training for State government managers and employees.
- Continue to participate in the **Montana's Conference on Race - "Partnering Indians and Non-Indians for Change"** (biennial).
- Human Resources staff will establish and maintain working relationships with tribal recruitment offices.
- American Indian Liaison will provide training to department supervisors and managers on American Indian traditions and cultures to create a better understanding of American Indian beliefs.

The department has hired an American Indian Liaison whose primary responsibility is to work with the tribes to ensure proper attention to the needs of American Indians while incarcerated and upon reintegration. It is important for the department to work towards increasing our American Indian staff because the offender population is about 20% American Indian.

This position is also beneficial for our recruitment and selection processes because our liaison is building positive relationships with the tribes that improve the overall reputation for the Department of Corrections. The enhanced communications with Montana tribes should correct misconceptions and provide for the dissemination of more accurate information regarding the department. This also allows us an avenue to develop contacts for sending our recruitment announcements.

C. Compensation

The Human Resources Office will continue to use the Employee Profile to determine the appropriate level of compensation and evaluating equality in compensation within the Department. This method looks at an individual's qualifications and not gender, race, ethnicity or disability of employees to determine pay.

D. Training Programs

Managers involved in the recruitment and selection process will be trained by a Human Resource Specialist to ensure they understand the EEO Program Plan, and are committed to its intent.

E. Harassment and Discrimination Prevention

The Department has adopted the State of Montana's EEO Policy prohibiting harassment and discrimination based on protections provided under EEO laws. Any person who believes they or another person has been subjected to discrimination is encouraged to report the incident or action.

F. Internal Recruitment Opportunities

The Department will strive to ensure employees are given equal opportunity for positions by:

1. Posting opportunities through the State's e-mail system;
2. Assisting employees in identifying opportunities;
3. Offering training, educational programs and job mentoring when possible.

The Utilization Analysis and the Adverse Impact Report will be annually reviewed by the Human Resource Office in an effort to ensure that qualified women and minorities are provided opportunities at rates substantially similar to those of qualified men and non-minority employees. The Department will strive to employ and retain qualified individuals with disabilities in all levels of its workforce.

G. Termination

Exit interviews are conducted by Human Resources staff to provide the exiting employee with the opportunity to:

1. Discuss the precise reason(s) for the termination;
2. Voice any concerns the employee may have been reticent to express while employed; and,
3. Provide positive and negative comments and suggestions related to their employment experience.

The Department will review the Adverse Impact Report to identify if women and minorities leave our Department at rates substantially different from those of men, non-minority employees, and employees without disabilities.

The Department will continue to work with recruitment sources (organizations having effective contact with women, minority groups and persons with disabilities) to improve recruitment efforts.

The Department will encourage the employment of women, minorities, and people with disabilities who are not currently in the workforce, by offering part-time employment, internships, or summer employment when possible.

IV. DISSEMINATION

Internal

The department will make its EEO Plan, EEO Policy Statement and the Complaint Resolution Procedures known internally by:

- Placing the entire EEO Plan in the department policy manual;
- Publicizing it or the EEO policy statement in a memo, annual report, and other publications;
- Conducting special meetings to explain the intent of the EEO Plan and EEO policy statement to those responsible for its implementation;
- Explaining and providing the EEO Plan to all employees through meetings, employee orientation, and training sessions;
- Discuss the EEO Plan with union officials and requesting continued cooperation;
- Including nondiscrimination clauses in union agreements and reviewing contractual provisions to ensure nondiscrimination; and
- Placing the EEO Policy Statement and Complaint Resolution Procedure where they can be viewed (i.e., employee bulletin boards).

External

The department will disseminate its EEO Plan, EEO Policy Statement and Complaint Resolution Procedure externally by:

- Continuing to include the EEO statement on all vacancy announcements and State Employment application;
- Posting the EEO Plan on the Department of Corrections' webpage;
- Posting a memo in the Human Resource Office explaining how applicants and members of the public may obtain of the EEO Plan;
- Annually inform all recruiting sources in writing of the EEO Plan and commitment; and
- Make prospective employees aware of EEO objectives on vacancy announcements.

V. UNDERUTILIZATION REVIEW

Section VIII contains a table that summarizes the Department's underutilization of women and minorities by EEO category and job groups within the category. This information comes from the Utilization Analysis Report that compares the Department's workforce to Montana's labor force by each job group. If the Department's workforce in a particular job group is less than the labor force, then the job group will be defined as underutilized.

The Department's hiring officials will strive to determine the cause of underutilization (employment barriers) and take appropriate action to remove those barriers. Employment barriers MAY BE caused by:

Recruitment Issues—The Department needs to attract qualified women and/or minority applicants in numbers proportionate to their external availability.

Selection Issues—The Department's selection rate for women and/or minorities needs to be similar to the selection rate for the other applicants.

Upward Mobility Issues—The Department needs to advance qualified women and minorities.

On-the-Job Treatment—The job conditions or the Department's performance evaluation of its employees should not have adverse impact on women and minorities.

VI. EQUAL EMPLOYMENT OPPORTUNITY INFORMATION

Equal Employment Opportunity (EEO) Policy Statement

It is the policy of the state of Montana that state government:

- Is an equal employment opportunity employer;
- Does not discriminate in employment based upon **race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation or political beliefs**; and
- Implements and maintains an effective equal employment opportunity program that may include a written affirmative action plan.

Employees of the state of Montana have a right to work in an environment free from all forms of discrimination. The state of Montana's prohibition of discrimination includes discrimination in hiring, firing, promotions, compensation, job assignments, and other terms, conditions or privileges of employment. The state of Montana may not retaliate or allow, condone, or encourage others to retaliate against any applicant, employee, or past employee for opposing unlawful discriminatory practices, filing a discrimination complaint and/or testifying or participating in any other manner in a discrimination proceeding.

All employees with access to such information shall maintain the confidentiality of the information to the extent reasonably possible and may not release the information to anyone who does not have the right or need to know.

SEXUAL HARASSMENT	DISABILITIES
<p>The state of Montana prohibits sexual harassment of employees, customers, clients and any other persons. There are two categories of sexual harassment:</p> <p>Quid pro quo: Sexual favors are sought in return for job benefits or opportunities. It includes being forced to resign (constructive discharge). Examples: Sexual advances that are unwelcome. The loss or threatened loss of a job for failing to comply with a supervisor's sexual demands. This may include situations that began as mutual attractions, but later ceased to be reciprocal. Employment benefits affected in exchange for sexual favors (may include situations where a third party is treated less favorably because others have agreed to sexual advances).</p> <p>Hostile working environment: Unwelcome sexual conduct that unreasonably interferes with an employee's job performance or creates an intimidating, hostile or offensive working environment. The key words are unwelcome, unreasonable, and intimidating, hostile or offensive. Examples: Displaying sexually suggestive objects, pictures, cartoons or posters. Verbal abuse of a sexual nature, sexually oriented jokes, innuendoes, or obscenities. Sexually suggestive letters, notes or invitations.</p> <p>Harassment not involving sexual activity or language is also discriminatory if it is sufficiently patterned or pervasive and directed at employees because of their sex. This is gender-based harassment.</p>	<p>The state of Montana does not discriminate against any applicant or employee in hiring, firing, promotions, compensation, job assignments and other terms, privileges or conditions of employment due to physical or mental disability.</p> <p>The state of Montana provides reasonable accommodation to an otherwise qualified applicant or employee with a known disability that prevents the individual from participating in the application process, competing in the selection process, performing the essential functions of the job, and enjoying equal benefits and privileges of employment. An accommodation that is not effective, creates an undue hardship on a department, or endangers health or safety is not a reasonable accommodation.</p> <p>Any otherwise qualified applicant for employment or employee with a disability who needs reasonable accommodation shall inform the department personnel officer, his or her immediate supervisor or the department ADA coordinator of the nature of the disability and the accommodation requested.</p> <p>Some communicable diseases, for example, HIV/AIDS, are physical disabilities. The state of Montana does not discriminate against any applicant for employment or employee based upon communicable disease unless required to do so by the reasonable demands of the position.</p>

OTHER HARASSMENT	MATERNITY
<p>The state of Montana's policy is to provide employees with a work environment free of these forms of harassment. Harassment of employees, clients, customers, and any other persons doing business with state government because of a person's <i>race, color, national origin, age, physical or mental disability, marital status, religion, creed, sexual orientation or political beliefs</i> is prohibited.</p> <p>Examples of other prohibited harassment include, but are not limited to: Coercion of employees, clients, or customers in the participation or non-participation in religious activities; or ethnic slurs, repeated jokes, innuendoes, or other verbal or physical conduct because of a person's nationality, race, color, age, physical or mental disability, marital status, religion, creed, sexual orientation or political beliefs if these actions create an intimidating, hostile or offensive working environment.</p>	<p>The state of Montana may not discriminate against any applicant or employee in hiring, firing, promotions, compensation, job assignments and other terms, conditions or privileges of employment based upon a temporary disability resulting from pregnancy, childbirth, or related medical conditions.</p> <p>The state of Montana may not terminate any employee due to pregnancy or childbirth. The state of Montana shall grant a request by an employee for a reasonable leave of absence for pregnancy, childbirth or related medical conditions. The state of Montana recognizes six (6) calendar weeks as a reasonable period of recovery from the temporary disability due to childbirth.</p>
EQUAL PAY	RELIGION
<p>The state of Montana may not pay unequal compensation to men and women who perform jobs that require substantially equivalent skill, effort, and responsibility that are performed under similar working conditions. Wage differentials are permitted on factors other than sex, for example, longevity, merit, and applicant or employee qualifications.</p>	<p>The state of Montana shall make reasonable accommodation for religious beliefs or practices. Any otherwise qualified applicant for employment or employee who requires reasonable accommodation may inform his or her immediate supervisor or the department EEO officer of the need for a religious accommodation. An accommodation that creates an undue hardship on a department is not a reasonable accommodation.</p>

VII. DUTIES AND RESPONSIBILITIES FOR PROGRAM IMPLEMENTATION

Nondiscrimination-Equal Employment Opportunity Complaint Resolution Procedure

The state of Montana is an equal employment opportunity employer and prohibits discrimination based on race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation or political beliefs unless based on a bona fide occupational qualification (BFOQ). The state also prohibits discrimination in providing services, activities and programs unless providing a reasonable accommodation or reasonable modification would cause an undue hardship.

The state of Montana is committed to resolving complaints of discrimination in a fair and timely manner. The complaint resolution procedure is a dispute resolution process used when an applicant, client, customer or employee alleges that discrimination has taken place. Management must investigate when reports are received. Complaints concerning disability discrimination are submitted to the agency Americans with Disabilities Act (ADA) Coordinator. All other complaints are submitted to the agency Equal Employment Opportunity (EEO) Officer.

Complainant's Responsibility:

Any applicant, client, customer, or employee who believes he or she or another person has been subjected to a discrimination of the equal employment opportunity policy is encouraged to report the incident(s) or action(s) to management as soon as possible after the alleged discrimination occurs. Early reporting is encouraged, because management's ability to investigate and act on reports diminishes with time.

Management's Responsibility:

1. Any supervisor who receives a report of an alleged discrimination shall immediately notify the agency EEO Officer or ADA Coordinator.
2. Upon receipt of a report alleging discrimination, including sexual harassment, the agency shall take all appropriate steps to prevent the alleged conduct from continuing pending completion of the investigation. The agency will determine the steps to be taken based upon the severity of the alleged conduct and appropriate balancing of the rights of the alleged victim and the rights of the alleged harasser.
3. The EEO Officer or ADA Coordinator shall initiate an investigation or select another appropriate management representative to initiate the investigation no later than ten working days after receiving notice of the alleged discrimination. The investigation shall include verification of the report, a recommended course of action, and written documentation of the investigation. The investigator shall submit the results of the investigation to department or agency personnel officer. The factual report shall remain confidential and may not be disseminated except to persons having a need or right to know which outweighs the privacy rights of the persons involved.
4. Within five working days of receiving the investigator's factual report, the agency will, in writing, inform the complainant, any employees directly involved, their immediate supervisors, and the EEO Officer or ADA Coordinator of the results of the investigation and the agency's decision.
5. If the investigation establishes that there is insufficient evidence to find that illegal discrimination occurred, the agency will inform all parties involved that no action will be taken. If the investigation establishes that discrimination occurred, the agency will take appropriate action, including, but not limited to, disciplinary measures pursuant to the agency's disciplinary policy, which may include termination. The agency will, in writing, inform the complainant only that an action was taken, not the details of the action.
6. Neither the agency management nor any employee will retaliate against any employee for filing a discrimination complaint or for participating in any way in a complaint procedure.

Other Compliant Filing Option:

An applicant, client, customer, or employee may concurrently file a complaint of unlawful discrimination with the Human Rights Bureau (PO Box 1728, Helena, MT 59624-1728, phone 1-800-542-0807.) The complaint must be filed either:

- A. within 180 days of the alleged incident; or
- B. if the employee initiates action to resolve the alleged discrimination in accordance with this procedure or contract grievance procedure, within 300 days of the alleged incident.

The Department of Corrections will take affirmative action to equalize employment opportunities at all levels of agency operations where there is evidence that there have been barriers to employment for those classes of people who have traditionally been denied equal employment opportunities.

The Department of Corrections makes a commitment to provide reasonable accommodation to any known disability that may interfere with a disabled applicant's ability to compete in the selection process or a disabled employee's ability to perform the essential functions of the job. The department is committed to establishing relationships with the disabled community advising them of employment opportunities available within the agency.

The Department of Corrections guarantees employee protection against retaliation for lawfully opposing any discriminatory practice, including the filing of an internal grievance, the filing of a union grievance, the initiation of an external administrative or legal proceeding or testifying in or participating in any of the above.

If you are considering reporting a complaint, you can:

- Use the department's complaint resolution procedure.
- File a complaint with the Human Rights Bureau, Department of Labor and Industry (PO Box 1728, Helena, MT 59624-1728, phone 1-800-542-0807). Complaints with the Human Rights Bureau will be accepted within 180 days of the act, or an extended 120 days if you are using an internal complaint procedure.

If you are not personally a victim of discrimination, but observe actions against other employees that you believe to be discrimination, you are encouraged to bring it to the attention of your EEO Officer or ADA Coordinator.

Department of Corrections. Human Resource Bureau
5 S Last Chance Guldch, Helena MT 59620-1301

Ken McElroy
Human Resource Bureau Chief
406 444-0445
EEO Officer

McKenzie Hannan
Human Resource Specialist
406 444-2828
ADA Coordinator

The designated EEO Officer for the Department of Corrections is Ken McElroy, Human Resources Bureau Chief. This person is responsible for coordinating the department's Equal Employment Opportunity Plan. The following persons are responsible for implementing the program and resolving applicant/employee EEO complaints in their respective facilities and divisions:

Leroy Kirkegard, Warden, Montana State Prison
Jo Acton, Warden, Montana Women's Prison
Steve Ray, Superintendent, Pine Hills Youth Correctional Facility
Cindy McKenzie, Superintendent, Riverside Youth Correctional Facility/
Administrator, Youth Services
Pam Bunke, Administrator, Adult Community Corrections Division
Steve Barry, Administrator, Staff Services Division
Gayle Lambert, Administrator, Montana Correctional Enterprises
Rhonda Schaffer, Administrator, Administrative and Financial Services
Cathy Redfern, Administrator, Health Services
John Daugherty, Administrator, Information Technology

Implementation of this agency's Affirmative Action plan is the responsibility of each manager and supervisor. If you are not personally a victim of sexual harassment, but observe actions against other employees, which you believe to be harassment, you are encouraged to bring it to the attention of your EEO officer. Progress regarding the Affirmative Action Plan within the department has been difficult; however, the department continues to look for ways to get better results.

Director, Mike Ferriter

May 8, 2012

Mike Ferriter
OMB Approval No:
Expiration Date:

VIII. DEPARTMENT OF CORRECTIONS UNDERUTILIZATION REPORT

as of 1/9/2012 (This report will be updated Annually)

EEO Categories and Job Groups	Underutilization	
	2011	2011
	Female	All Minority
Officials and Administrators Category:		
Occupational Group Code 000: Agency Head; BOI Administrators	OK	OK
Occupational Group Code 111: Operations Manager; Program Manager	OK	-1
Occupational Group Code 113: Managers: Computer Inform. Sys; Human resources; Training; Industrial Production	OK	-1
Occupational Group Code 119: Principal; Social. Community Svc Manager	-3	-2
Professionals Category:		
Occupational Group Code 131: Purchasing Agent; Compliance Specialist; Training Development Specialist	-1	OK
Occupational Group Code 132: Budget Analyst	OK	-1
Occupational Group Code 151: Computer Supervisor, Computer Sys Analyst, Network Sys Analyst	-2	-1
Occupational Group Code 193: Clinical Psychology Specialist, Clinical Psychologist	OK	OK
Occupational Group Code 211: Corrections & Social Svc Sup/Mgr; Probation and Parole Officer; Correctional Treatment Specialist	-13	-31
Occupational Group Code 231: Lawyer; Hearings Officer; Mediator	OK	-1
Occupational Group Code 232: Paralegal Legal Assistant	OK	OK
Occupational Group Code 252: Teacher Secondary	-1	OK
Occupational Group Code 254: Archivist, Librarian	OK	OK
Occupational Group Code 273: Public Relations Specialist	OK	OK
Occupational Group Code 291: Dietitian Nutritionist; Physician Assistant; Registered Nurse	OK	OK
Occupational Group Code 299: Occupational Health Safety Spc	OK	OK
Occupational Group Code 331: Correctional Officer SupMgr	OK	-4
Occupational Group Code 333: Crime Analyst	OK	OK

Occupational Group Code 351: Food Service SupMgr	-1	OK
Occupational Group Code 414: Industries Sales Rep	-1	OK
Occupational Group Code 433: Collections Specialist	OK	OK
Technicians Category:		
Occupational Group Code 211: Correctional Treatment Tech; Drill Instructor	-6	-2
Occupational Group Code 232: Paralegal Legal Assistant	OK	OK
Occupational Group Code 292: Dental Hygienist, LPN	-1	OK
Occupational Group Code 319: Dental Assistant, Pharmacy Aide	OK	OK
Occupational Group Code 331: Correctional Officer Sgt	OK	-4
Occupational Group Code 351: Food Service SupMgr	-5	-1
Occupational Group Code 433: Technician: Collections, Accounting, Payroll, Purchasing	OK	OK
Occupational Group Code 434: License Permit Technician, Human Resource Assistant	OK	-1
Occupational Group Code 436: Administrative Assistant, Records Management Assistant	-3	OK
Occupational Group Code 451: Supervisor: Livestock Inspector, Ranch	-1	-1
Protective Services Category:		
Occupational Group Code 333: Correctional Officer, Crime Investigator	-37	-30
Paraprofessionals Category:		
Occupational Group Code 259: Teacher Aide	-1	OK
Occupational Group Code 311: Nursing Aide	OK	-1
Occupational Group Code 399: Recreational Tech	OK	OK
Office/Clerical Category:		
Occupational Group Code 431: Administrative Support Sup	OK	OK
Occupational Group Code 436: Medical Secretary; Secretary	-2	-4
Occupational Group Code 439: Word Processor; Mail Clerk	OK	OK

Skilled Craft Category:		
Occupational Group Code 472: Electrician	0	0
Occupational Group Code 493: Equipment Mechanic	OK	OK
Occupational Group Code 499: Maintenance Worker	OK	-1
Occupational Group Code 511: Production Services SupMgr, Laundry SupMgr	-1	OK
Occupational Group Code 996: Machinist/Millwright	OK	OK
Occupational Group Code 998: Boilermaker; Electrician; Painter; Carpenter; Plumber	OK	OK
Service Maintenance Category:		
Occupational Group Code 352: Cook	OK	OK
Occupational Group Code 371: HousekeepingCustodial SupMgr	OK	OK
Occupational Group Code 491: Mechanic Maintenance SupMgr	OK	-1
Occupational Group Code 513: Food Processor Tech	OK	-1
Occupational Group Code 537: Warehouse Worker	OK	OK
Occupational Group Code 999: Refr Over Road Truck Driver, Service Truck Driver, Tractor/Trailer Trnsprt Driver	OK	OK
Department Total	-63	-90